

ENTERED

September 02, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES T. TYNAN JR,	§	CIVIL ACTION NO.
Plaintiff,	§	4:22-cv-01433
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
U.S. BANK TRUST	§	
NATIONAL	§	
ASSOCIATION,	§	
Defendant.	§	

ORDER

Pending is a purported stipulation of dismissal of this action without prejudice by Plaintiff James T. Tynan Jr. Dkt 14. Defendant U.S. Bank Trust National Association objects. Dkt 15.

Dismissal by the Plaintiff at this juncture isn't available by stipulation. It may instead proceed only by court order. See FRCP 41(a)(2). And U.S. Bank offers persuasive reasons for denying Plaintiff's request. In particular, a foreclosure sale of Plaintiff's home is scheduled for September 6, 2022. It appears that Plaintiff seeks dismissal to avoid the jurisdiction of this Court and attempt to secure another temporary restraining order in state court before foreclosure. Dkt 15; see also Dkt 1-5.

The purported stipulation by Plaintiff James T. Tynan Jr. of dismissal without prejudice is REJECTED as without proper procedural basis. Such stipulation is thus without force and effect.

This action remains pending before this Court. No other relief having been requested, none is given.

SO ORDERED.

Signed on September 2, 2022, at Houston, Texas.

A handwritten signature in black ink, reading "Ch R Eskridge". The signature is stylized with a large "Ch" and a small "R".

Hon. Charles Eskridge
United States District Judge